

AN ORDINANCE

06-O-0204

BY COUNCILMAN JIM MADDOX

**AS SUBSTITUTED #3 BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

AN ORDINANCE TO AMEND ARTICLE XXIV, SECTIONS 30-1461, 30-1464, 30-1483, 30-1484, AND 30-1485 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA ENTITLED "VENDING ON PRIVATE PROPERTY" SO AS TO ADD THE TERM "SITE PLAN" TO THE DEFINITIONS SECTION; TO ADD ADDITIONAL VENDING RESTRICTIONS AND PROHIBITIONS; TO ADD ADDITIONAL REQUIREMENTS TO THE APPLICATION PROCESS; TO CREATE A NEW SECTION 30-1488 TO BE ENTITLED "AESTHETIC STANDARDS"; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Whereas, the City has the responsibility to regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the City and to provide for the enforcement of such standards; and

Whereas, the City has the power to make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the City and the inhabitants thereof and for preserving the health, peace, order, and good government of the City; and

Whereas, pursuant to its police powers, the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including vending on private property; and

Whereas, there is a proliferation of private property vendors some of whose vending sites and structures are unsightly and unsafe; and

Whereas, this proliferation of private property vendors has also led to traffic congestion and the creation of dangerous traffic conditions; and

Whereas, the City ordinances regarding vending on private property should be reviewed, revised and updated in order to eliminate the problems associated with vending on private property; and

Whereas, the Private Property Vending Policy and Advisory Committee was created to perform such a review and to make recommendations to the City Council and the Mayor; and

Whereas, the Committee has completed its work and has submitted its recommendations (a copy of the Committee's Report is attached hereto as Exhibit "A"; and

Whereas, said recommended changes must now be incorporated into the City's private property vending ordinance.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
as follows:

Section 1: Article XXIV, Section 30-1461 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 30-1461. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assistant vendor means a person who assists a vendor at such vendor's vending site.

Blind person. A person shall be considered blind for the purpose of this article if such person's vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential.

Class C food vending station means a fully enclosed, self-contained non-motor vehicle that is approved by the Fulton County health department for the purpose of vending on private property.

Flea market means any event at which two or more persons offer merchandise for sale or exchange; and at which a fee is charged for the privilege of offering or displaying merchandise for sale or exchange; or at which a fee is charged to prospective buyers for admission to the area where merchandise is offered or displayed for sale or exchange; or regardless of the number of persons offering or displaying merchandise or the absence of fees, at which merchandise is offered or displayed for sale or exchange if the event is held more than six times in any 12-month period. The term "flea market" applies regardless of whether such sale of merchandise is conducted out of doors or within a building. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business. The term "flea market" shall not mean and shall not apply to any event which is organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers or the gross receipts or net earnings from the sale or exchange of merchandise, whether in the form of a percentage of the receipts or earnings, as salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event; or any event at which all persons selling, exchanging, or offering or displaying merchandise for sale or exchange are manufacturers or licensed retail or wholesale merchants. Flea markets shall not include

developed and operating shopping centers, antique stores, jewelry stores, coin shops, salvage operations, clothing stores, or special sales events as accessory uses not to exceed 14 days, or other businesses of merchandise in common with flea markets where the vendor therein is not operating among a collection of vendors or renting or securing individual space within an overall operation.

Flea market promoter, operator, or owner means any person, firm, corporation, partnership, or other form of business entity which owns, operates, maintains, manages, or promotes flea markets.

Flea market vendor means any person, individual, firm, corporation, partnership, or other form of business entity of any type or character who engages in the retail sale of merchandise at a flea market. "Flea market vendor" shall not include licensed second-hand goods dealers or pawnbrokers. In addition to being subject to any regulations pertaining specifically to flea market vendors that may be included in this article, flea market vendors shall be subject to all regulations within this article pertaining generally to vendors.

Moral turpitude means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.

Permissible food item means any food product or substance, including beverages, that legally may be dispensed for the public's consumption pursuant to the rules and regulations of the Fulton, DeKalb, or Clayton County health department.

Private property vending means vending activity conducted out-of-doors or in a flea market on private property not owned by the city or by any other governmental agency.

Produce means any agricultural product raised on a farm or orchard.

Recording means a tangible medium on which sounds, images, or both are recorded or otherwise stored, including an original phonograph record, disc, tape, audio or video cassette, wire, film, or other medium now existing or developed later on which sounds, images, or both are or can be recorded or otherwise stored, or a copy or reproduction that duplicates in whole or in part the original. An illicit recording is a recording produced without the authorization of the recording's owner, or which is otherwise sold or offered for sale in violation of any state or federal law pertaining thereto.

Registered agent means any person who is authorized by a vendor or itinerant vendor and who agrees to accept service or process and legal notices on behalf of the vendor or itinerant vendor.

Seasonal vendors means a temporary vendor who vends from private property at a fixed location for seasonal vending.

Stand means any fixed or movable structure, table or device used by a vendor for the purpose of displaying or storing any merchandise, article or food which is offered for sale.

Valid vendor location means an area which is authorized in this article, and if applicable, subsection 170-2166(10), in which vending can take place.

Valid vendor permit means a permit issued by the department of police. Such permit shall consist of a police photo identification card which contains the vendor's name,

photograph, vending type and classification, authorized location and time period for which such permit is valid.

Vending business means any commercial enterprise operated for profit in which merchandise, food, services or a combination thereof are rendered for sale to the general public on private property and approved by the city.

Vendor means any person whose primary business is the selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares, merchandise, services, food, confectionery or drink carried by hand from portable stands or tables, by manually propelled vehicles, or by motor vehicle.

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Seasonal vendors means a temporary vendor who vends from private property at a fixed location for seasonal vending.

Site plan means a visual depiction of the vending site showing 1) the exact location of the vending operation on the property; 2) the length, width, and height of the vending stand; 3) the location of all on-site parking spaces which serve the property; and 4) the location of any power sources which the vendor intends to use. The site plan shall be filed along with each application.

Stand means any fixed or movable structure, table or device used by a vendor for the purpose of displaying or storing any merchandise, article or food which is offered for sale.

Valid vendor location means an area which is authorized in this article, and if applicable, subsection 170-2166(10), in which vending can take place.

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Valid vendor permit means a permit issued by the department of police. Such permit shall consist of a police photo identification card which contains the vendor's name, photograph, vending type and classification, authorized location and time period for which such permit is valid.

Vending business means any commercial enterprise operated for profit in which merchandise, food, services or a combination thereof are rendered for sale to the general public on private property and approved by the city.

Vendor means any person whose primary business is the selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares, merchandise, services, food, confectionery or drink carried by hand from portable stands or tables, by manually propelled vehicles, or by motor vehicle.

Section 2: Article XXIV, Section 30-1464 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 30-1464. Vending restrictions and prohibitions.

In addition to the provisions set forth in section 16-28.008(10), persons vending on private property shall not be permitted to operate in the following areas of public space:

- (1) Within 15 feet of any street intersection or pedestrian crosswalk.
- (2) Within ten feet of any driveway.
- (3) Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.
- (4) Within a minimum of nine feet of unobstructed pedestrian space.
- (5) Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.

is hereby amended as follows:

Sec. 30-1464. Vending restrictions and prohibitions.

(a) In addition to the provisions set forth in section 16-28.008(10), persons vending on private property shall not be permitted to operate in the following areas:

- (1) Within 15 feet of any street intersection or pedestrian crosswalk.
- (2) Within ten feet of any driveway.
- (3) Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.
- (4) Within a minimum of nine feet of unobstructed pedestrian space.
- (5) Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.

(6) Within 1,500 feet of a permanent business selling the same or similar products. This provision shall not apply to athletic and entertainment venues which have a seating capacity in excess of 3,500 persons.

~~(7) Within 1,500 feet of another validly permitted private property vendor.~~ *Vendor located ~~there~~ in close proximity. Delete*

(b) The site plan must show that the available parking spaces on the property on which the vending site is located, exceeds the minimum parking requirements

Delete

pursuant to the City's Zoning Ordinance, in order to accommodate the vending customers as well as the customers of the permanent business located on the property.

Delete

(c) Any power sources must be depicted in the site plan and must meet all applicable electrical code standards.

(d) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(e) Hours of operation shall be 5:00 a. m. to 2:00 a. m.

(f) Amplified sound or sound equipment must comply with the City of Atlanta Noise Ordinance.

(g) Any and all signage must comply with the City of Atlanta Sign Ordinance

Section 3: Article XXIV, Section 30-1483 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 30-1483. Annual application.

(a) An application shall be required by all persons seeking issuance of an initial permit for vending on private property, and such application shall be filed annually. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the department of police license and permits unit.

(b) A nonrefundable application fee of \$50.00 is required to accompany each application for an initial private property vendor's permit.

(c) Permit fees for food, merchandise, service or combination permits are due and payable if and when the application is approved by the city.

(d) The application for an initial private property vendor's permit shall, at a minimum, consist of the following data:

(1) Each applicant shall submit detailed data as follows:

a. Applicant's name and current address.

b. Applicant's previous addresses within the last five years.

c. Social security number.

d. Vending location sought, including exact location on such property.

e. Size of the proposed vending station, if applicable, i.e., length, width, and height.

f. Name and current address of each proposed assistant vendor.

g. The exact times during which the vendor intends to vend on the proposed property.

h. State department of revenue retail identification tax number.

i. State i.d.

j. City business license.

k. A general description of the food, merchandise, or services to be sold or offered for sale at the proposed vending location, including whether recordings will be sold or offered for sale.

(2) All applicants who intend to vend from private property must present to the department of police a valid lease agreement between the vendor and the property owner showing the conditions under which the property may be used for vending. Such vendors shall be subject to all zoning restrictions and must be approved through the city bureau of buildings prior to the issuance of any vending permit (see section 170-2166(10)). This provision must be followed each and every time a vendor changes location.

(3) All applicants shall furnish all data, information and records requested of them by the police department licenses and permits unit within 30 days from the date of request. Failure to furnish such information within 30 days shall automatically dismiss, with prejudice, the application.

is hereby amended as follows:

Sec. 30-1483. Annual application.

(a) An application shall be required by all persons seeking issuance of an initial permit for vending on private property, and such application shall be filed annually. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the department of police license and permits unit.

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- d. Vending location sought, including exact location on such property.
- e. Size of the proposed vending station, if applicable, i.e., length, width, and height.
- f. Name and current address of each proposed assistant vendor.
- g. The exact times during which the vendor intends to vend on the proposed property.

h. State department of revenue retail identification tax number.

i. State i.d.

j. City business license.

k. A general description of the food, merchandise, or services to be sold or offered for sale at the proposed vending location, including whether recordings will be sold or offered for sale.

l. A copy of the site plan.

(2) All applicants who intend to vend from private property must present to the department of police a private property permission letter on the form as issued by the License and Permits Division of the Police Department. The private property

permission letter shall be provided along with the permit application and shall be a part of the required site plan. Such vendors shall be subject to all zoning restrictions and must be approved through the city bureau of buildings prior to the issuance of any vending permit (see section 170-2166(10)). This provision must be followed each and every time a vendor changes location.

(3) The property owner/leaseholder shall acknowledge in writing that she/he is aware of all applicable zoning regulations as well as all other regulations for the property as they relate to vending and the responsibility of the property owner/leaseholder if violations are found pursuant to zoning regulations related to vending. Delete

(4) All applicants shall furnish all data, information and records requested of them by the police department licenses and permits unit within 30 days from the date of request. Failure to furnish such information within 30 days shall automatically dismiss, with prejudice, the application.

(e) When a private property vending permit is approved, the License and Permits Unit of the Police Department shall notify the district Council member in whose district, the vending site is located and the chairperson of the NPU in which the vending site is located. Delete

Section 4: Article XXIV, Section 30-1484 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 30-1484. Application procedure.

All private property vendor applications shall be reviewed by the bureau of buildings to determine compliance with applicable zoning regulations as stated in section 16-28.008(10). Subject to favorable determination and written verification by the bureau of buildings and written consent of the property owner, the bureau of treasury, licensing and employee benefits shall issue the business license for the applicant. Upon completion of all prerequisites, the police department license and permits units shall then issue a permit.

is hereby amended as follows:

Sec. 30-1484. Application procedure.

All private property vendor applications shall be reviewed by the bureau of buildings to determine compliance with applicable zoning regulations as stated in section 16-28.008(10). Subject to favorable determination and written verification by the bureau of buildings and a private property permission letter issued by the License and Permits Division of the Atlanta Police Department, the bureau of treasury, licensing and employee benefits shall issue the business license for the applicant. Upon completion of all prerequisites, the police department license and permits units shall then issue a permit.

Section 5: Article XXIV of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding a new Section :30-1488 which shall provide as follows:

Sec. 30-1488. Aesthetic standards.

(a) Vending is permitted from skirted tables only. Tables shall not extend beyond the perimeter of the covered canopy area.

(b) Canopy: If used, must be a portable folding canopy only. One (1) canopy shall be permitted (not required), shall be white in color, shall not contain any writing and shall not exceed 10x20 feet in size .

Delete ~~(c) Canopy structures supported or anchored by ropes, containers, or similar devices are prohibited~~

(d) Vending structures must be removed from the open vending site when the vendor is not doing business and during restricted hours of operation.

(e) Vending structures must be in good repair at all times.

(f) Merchandise shall be displayed on the table only and shall be stored within the interior area of the canopy.

(g) All storage of merchandise shall be beneath the skirted tables.

(h) If signage is allowed, no more than one (1) sign which shall not exceed 2x 3 feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used.

(i) A description of the structure and the hours of operation shall be included in the site plan.

Section 6: All ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

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06-O-0204

BY COUNCILMAN JIM MADDOX

**AS SUBSTITUTED #2 BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

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Whereas, the Committee has completed its work and has submitted its recommendations (a copy of the Committee's Report is attached hereto as Exhibit "A"; and

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Flea market means any event at which two or more persons offer merchandise for sale or exchange; and at which a fee is charged for the privilege of offering or displaying merchandise for sale or exchange; or at which a fee is charged to prospective buyers for admission to the area where merchandise is offered or displayed for sale or exchange; or regardless of the number of persons offering or displaying merchandise or the absence of fees, at which merchandise is offered or displayed for sale or exchange if the event is held more than six times in any 12-month period. The term "flea market" applies regardless of whether such sale of merchandise is conducted out of doors or within a building. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business.

The term "flea market" shall not mean and shall not apply to any event which is organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers or the gross receipts or net earnings from the sale or exchange of merchandise, whether in the form of a percentage of the receipts or earnings, as salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event; or any event at which all persons selling, exchanging, or offering or displaying merchandise for sale or exchange are

manufacturers or licensed retail or wholesale merchants. Flea markets shall not include developed and operating shopping centers, antique stores, jewelry stores, coin shops, salvage operations, clothing stores, or special sales events as accessory uses not to exceed 14 days, or other businesses of merchandise in common with flea markets where the vendor therein is not operating among a collection of vendors or renting or securing individual space within an overall operation.

Flea market promoter, operator, or owner means any person, firm, corporation, partnership, or other form of business entity which owns, operates, maintains, manages, or promotes flea markets.

Flea market vendor means any person, individual, firm, corporation, partnership, or other form of business entity of any type or character who engages in the retail sale of merchandise at a flea market. "Flea market vendor" shall not include licensed second-hand goods dealers or pawnbrokers. In addition to being subject to any regulations pertaining specifically to flea market vendors that may be included in this article, flea market vendors shall be subject to all regulations within this article pertaining generally to vendors.

Moral turpitude means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.

Permissible food item means any food product or substance, including beverages, that legally may be dispensed for the public's consumption pursuant to the rules and regulations of the Fulton, DeKalb, or Clayton County health department.

Private property vending means vending activity conducted out-of-doors or in a flea market on private property not owned by the city or by any other governmental agency.

Produce means any agricultural product raised on a farm or orchard.

Recording means a tangible medium on which sounds, images, or both are recorded or otherwise stored, including an original phonograph record, disc, tape, audio or video cassette, wire, film, or other medium now existing or developed later on which sounds, images, or both are or can be recorded or otherwise stored, or a copy or reproduction that duplicates in whole or in part the original. An illicit recording is a recording produced without the authorization of the recording's owner, or which is otherwise sold or offered for sale in violation of any state or federal law pertaining thereto.

Registered agent means any person who is authorized by a vendor or itinerant vendor and who agrees to accept service or process and legal notices on behalf of the vendor or itinerant vendor.

Seasonal vendors means a temporary vendor who vends from private property at a fixed location for seasonal vending.

Site plan means a visual depiction of the vending site showing 1) the exact location of the vending operation on the property; 2) the length, width, and height of the vending stand; 3) the location of all on-site parking spaces which serve the property; and 4) the location of any power sources which the vendor intends to use. The site plan shall be filed along with each application.

Stand means any fixed or movable structure, table or device used by a vendor for the purpose of displaying or storing any merchandise, article or food which is offered for sale.

Valid vendor location means an area which is authorized in this article, and if applicable, subsection 170-2166(10), in which vending can take place.

Valid vendor permit means a permit issued by the department of police. Such permit shall consist of a police photo identification card which contains the vendor's name, photograph, vending type and classification, authorized location and time period for which such permit is valid.

Vending business means any commercial enterprise operated for profit in which merchandise, food, services or a combination thereof are rendered for sale to the general public on private property and approved by the city.

Vendor means any person whose primary business is the selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares, merchandise, services, food, confectionery or drink carried by hand from portable stands or tables, by manually propelled vehicles, or by motor vehicle.

Section 2: Article XXIV, Section 30-1464 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 30-1464. Vending restrictions and prohibitions.

In addition to the provisions set forth in section 16-28.008(10), persons vending on private property shall not be permitted to operate in the following areas of public space:

- (1) Within 15 feet of any street intersection or pedestrian crosswalk.
- (2) Within ten feet of any driveway.
- (3) Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.
- (4) Within a minimum of nine feet of unobstructed pedestrian space.
- (5) Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.

is hereby amended as follows:

Sec. 30-1464. Vending restrictions and prohibitions.

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- (1) Within 15 feet of any street intersection or pedestrian crosswalk.
- (2) Within ten feet of any driveway.
- (3) Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.
- (4) Within a minimum of nine feet of unobstructed pedestrian space.
- (5) Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.
- (6) **Within 1,500 feet of a permanent business selling the same or similar products.**

(7) Within 1,500 feet of another validly permitted private property vendor.

(b) The site plan must show that the available parking spaces on the property on which the vending site is located, exceeds the minimum parking requirements pursuant to the City's Zoning Ordinance, in order to accommodate the vending customers as well as the customers of the permanent business located on the property.

(c) Any power sources must be depicted in the site plan and must not originate from a power source of an existing permanent business and must meet all applicable safety code standards.

(d) Vending structures shall not be left unattended or stored at any time on the vending site when vending is not taking place or during restricted hours of operation.

(e) Hours of operation shall be 8 a. m. to 8 p. m.

(f) Amplified sound or sound equipment is prohibited.

(g) Flashing lights are prohibited.

Section 3: Article XXIV, Section 30-1483 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 30-1483. Annual application.

(a) An application shall be required by all persons seeking issuance of an initial permit for vending on private property, and such application shall be filed annually. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the department of police license and permits unit.

(b) A nonrefundable application fee of \$50.00 is required to accompany each application for an initial private property vendor's permit.

(c) Permit fees for food, merchandise, service or combination permits are due and payable if and when the application is approved by the city.

(d) The application for an initial private property vendor's permit shall, at a minimum, consist of the following data:

(1) Each applicant shall submit detailed data as follows:

a. Applicant's name and current address.

b. Applicant's previous addresses within the last five years.

c. Social security number.

d. Vending location sought, including exact location on such property.

e. Size of the proposed vending station, if applicable, i.e., length, width, and height.

f. Name and current address of each proposed assistant vendor.

g. The exact times during which the vendor intends to vend on the proposed property.

- h. State department of revenue retail identification tax number.
 - i. State i.d.
 - j. City business license.
 - k. A general description of the food, merchandise, or services to be sold or offered for sale at the proposed vending location, including whether recordings will be sold or offered for sale.
- (2) All applicants who intend to vend from private property must present to the department of police a valid lease agreement between the vendor and the property owner showing the conditions under which the property may be used for vending. Such vendors shall be subject to all zoning restrictions and must be approved through the city bureau of buildings prior to the issuance of any vending permit (see section 170-2166(10)). This provision must be followed each and every time a vendor changes location.
- (3) All applicants shall furnish all data, information and records requested of them by the police department licenses and permits unit within 30 days from the date of request. Failure to furnish such information within 30 days shall automatically dismiss, with prejudice, the application.

is hereby amended as follows:

Sec. 30-1483. Annual application.

- (a) An application shall be required by all persons seeking issuance of an initial permit for vending on private property, and such application shall be filed annually. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the department of police license and permits unit.
- (b) A nonrefundable application fee of \$50.00 is required to accompany each application for an initial private property vendor's permit.
- (c) Permit fees for food, merchandise, service or combination permits are due and payable if and when the application is approved by the city.
- (d) The application for an initial private property vendor's permit shall, at a minimum, consist of the following data:
 - (1) Each applicant shall submit detailed data as follows:
 - a. Applicant's name and current address.
 - b. Applicant's previous addresses within the last five years.
 - c. Social security number.
 - d. Vending location sought, including exact location on such property.
 - e. Size of the proposed vending station, if applicable, i.e., length, width, and height.
 - f. Name and current address of each proposed assistant vendor.
 - g. The exact times during which the vendor intends to vend on the proposed property.
 - h. State department of revenue retail identification tax number.
 - i. State i.d.
 - j. City business license.
 - k. A general description of the food, merchandise, or services to be sold or offered for sale at the proposed vending location, including whether recordings will be sold or offered for sale.
 - l. A copy of the site plan.**

(2) All applicants who intend to vend from private property must present to the department of police a valid lease agreement between the vendor and the property owner showing the conditions under which the property may be used for vending. **The lease agreement must be notarized and a 24-hour contact telephone number of the property owner or leaseholder shall be provided along with the permit application and shall be a part of the required site plan.** Such vendors shall be subject to all zoning restrictions and must be approved through the city bureau of buildings prior to the issuance of any vending permit (see section 170-2166(10)). This provision must be followed each and every time a vendor changes location.

(3) **The property owner/leaseholder shall acknowledge in writing that she/he is aware of all applicable zoning regulations as well as all other regulations for the property as they relate to vending and the responsibility of the property owner/leaseholder if violations are found pursuant to zoning regulations related to vending.**

(4) All applicants shall furnish all data, information and records requested of them by the police department licenses and permits unit within 30 days from the date of request. Failure to furnish such information within 30 days shall automatically dismiss, with prejudice, the application.

(e) **When a private property vending permit is approved, the Licenses and Permits Unit of the Police Department shall notify the district Council member in whose district, the vending site is located and the chairperson of the NPU in which the vending site is located.**

Section 4: Article XXIV, Section 30-1484 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 30-1484. Application procedure.

All private property vendor applications shall be reviewed by the bureau of buildings to determine compliance with applicable zoning regulations as stated in section 16-28.008(10). Subject to favorable determination and written verification by the bureau of buildings and written consent of the property owner, the bureau of treasury, licensing and employee benefits shall issue the business license for the applicant. Upon completion of all prerequisites, the police department license and permits units shall then issue a permit.

is hereby amended as follows:

Sec. 30-1484. Application procedure.

All private property vendor applications shall be reviewed by the bureau of buildings to determine compliance with applicable zoning regulations as stated in section 16-28.008(10). Subject to favorable determination and written verification by the bureau of buildings and **a valid lease agreement between the vendor and the property owner**, the bureau of treasury, licensing and employee benefits shall issue the business license for the applicant. Upon completion of all prerequisites, the police department license and permits units shall then issue a permit.

Section 5: Article XXIV of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding a new Section :30-1488 which shall provide as follows:

Sec. 30-1488. Aesthetic standards.

- (a) Vending is permitted from tables only. Tables are restricted to one (1) portable folding table only, not to exceed 4x8 feet in size.
- (b) Canopy: If used, must be a portable folding canopy only. One (1) canopy shall be permitted (not required), shall be white in color, shall not contain any writing and shall not exceed 10x10 feet in size .
- (c) Canopy structures supported or anchored by ropes, containers, or similar devises are prohibited.
- (d) Vending structures must be removed from the vending site when the vendor is not doing business and during restricted hours of operation.
- (e) Vending structures must be in good repair at all times.
- (f) Merchandise shall be displayed on the table only and shall not be higher than one level at any point, or displayed above or below table level at any time.
- (g) Storage of merchandise in boxes or containers around the vending structure is prohibited.
- (h) If signage is allowed, no more than one (1) sign which shall not exceed 2x 3 feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used.
- (i) A description of the structure and the hours of operation shall be included in the site plan.

Section 6: All ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

AN ORDINANCE

06-O-0204

BY COUNCILMAN JIM MADDOX

**AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

AN ORDINANCE TO AMEND ARTICLE XXIV, SECTIONS 30-1461, 30-1464, 30-1483, 30-1484, AND 30-1485 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA ENTITLED "VENDING ON PRIVATE PROPERTY" SO AS TO ADD THE TERM "SITE PLAN" TO THE DEFINITIONS SECTION; TO ADD ADDITIONAL VENDING RESTRICTIONS AND PROHIBITIONS; TO ADD ADDITIONAL REQUIREMENTS TO THE APPLICATION PROCESS; TO SHORTEN THE PERIOD OF TIME DURING WHICH VENDORS MAY OPERATE AT A LOCATION; TO CREATE A NEW SECTION 30-1488 TO BE ENTITLED "AESTHETIC STANDARDS"; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Whereas, the City has the responsibility to regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the City and to provide for the enforcement of such standards; and

Whereas, the City has the power to make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the City and the inhabitants thereof and for preserving the health, peace, order, and good government of the City; and

Whereas, pursuant to its police powers, the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including vending on private property; and

Whereas, there is a proliferation of private property vendors some of whose vending sites and structures are unsightly and unsafe; and

Whereas, this proliferation of private property vendors has also led to traffic congestion and the creation of dangerous traffic conditions; and

Whereas, the City ordinances regarding vending on private property should be reviewed, revised and updated in order to eliminate the problems associated with vending on private property; and

Whereas, the Private Property Vending Policy and Advisory Committee was created to perform such a review and to make recommendations to the City Council and the Mayor; and

Whereas, the Committee has completed its work and has submitted its recommendations (a copy of the Committee's Report is attached hereto as Exhibit "A"); and

Whereas, said recommended changes must now be incorporated into the City's private property vending ordinance.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
as follows:

Section 1: Article XXIV, Section 30-1461 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 30-1461. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assistant vendor means a person who assists a vendor at such vendor's vending site.

Blind person. A person shall be considered blind for the purpose of this article if such person's vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential.

Class C food vending station means a fully enclosed, self-contained non-motor vehicle that is approved by the Fulton County health department for the purpose of vending on private property.

Flea market means any event at which two or more persons offer merchandise for sale or exchange; and at which a fee is charged for the privilege of offering or displaying merchandise for sale or exchange; or at which a fee is charged to prospective buyers for admission to the area where merchandise is offered or displayed for sale or exchange; or regardless of the number of persons offering or displaying merchandise or the absence of fees, at which merchandise is offered or displayed for sale or exchange if the event is held more than six times in any 12-month period. The term "flea market" applies regardless of whether such sale of merchandise is conducted out of doors or within a building. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business.

The term "flea market" shall not mean and shall not apply to any event which is organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers or the gross receipts or net earnings from the sale or exchange of merchandise, whether in the form of a percentage of the receipts or earnings, as salary, or otherwise, inures to the benefit of any private shareholder or person

participating in the organization or conduct of the event; or any event at which all persons selling, exchanging, or offering or displaying merchandise for sale or exchange are manufacturers or licensed retail or wholesale merchants. Flea markets shall not include developed and operating shopping centers, antique stores, jewelry stores, coin shops, salvage operations, clothing stores, or special sales events as accessory uses not to exceed 14 days, or other businesses of merchandise in common with flea markets where the vendor therein is not operating among a collection of vendors or renting or securing individual space within an overall operation.

Flea market promoter, operator, or owner means any person, firm, corporation, partnership, or other form of business entity which owns, operates, maintains, manages, or promotes flea markets.

Flea market vendor means any person, individual, firm, corporation, partnership, or other form of business entity of any type or character who engages in the retail sale of merchandise at a flea market. "Flea market vendor" shall not include licensed second-hand goods dealers or pawnbrokers. In addition to being subject to any regulations pertaining specifically to flea market vendors that may be included in this article, flea market vendors shall be subject to all regulations within this article pertaining generally to vendors.

Moral turpitude means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.

Permissible food item means any food product or substance, including beverages, that legally may be dispensed for the public's consumption pursuant to the rules and regulations of the Fulton, DeKalb, or Clayton County health department.

Private property vending means vending activity conducted out-of-doors or in a flea market on private property not owned by the city or by any other governmental agency.

Produce means any agricultural product raised on a farm or orchard.

Recording means a tangible medium on which sounds, images, or both are recorded or otherwise stored, including an original phonograph record, disc, tape, audio or video cassette, wire, film, or other medium now existing or developed later on which sounds, images, or both are or can be recorded or otherwise stored, or a copy or reproduction that duplicates in whole or in part the original. An illicit recording is a recording produced without the authorization of the recording's owner, or which is otherwise sold or offered for sale in violation of any state or federal law pertaining thereto.

Registered agent means any person who is authorized by a vendor or itinerant vendor and who agrees to accept service or process and legal notices on behalf of the vendor or itinerant vendor.

Seasonal vendors means a temporary vendor who vends from private property at a fixed location for seasonal vending.

Stand means any fixed or movable structure, table or device used by a vendor for the purpose of displaying or storing any merchandise, article or food which is offered for sale.

Valid vendor location means an area which is authorized in this article, and if applicable, subsection 170-2166(10), in which vending can take place.

Valid vendor permit means a permit issued by the department of police. Such permit shall consist of a police photo identification card which contains the vendor's name, photograph, vending type and classification, authorized location and time period for which such permit is valid.

Vending business means any commercial enterprise operated for profit in which merchandise, food, services or a combination thereof are rendered for sale to the general public on private property and approved by the city.

Vendor means any person whose primary business is the selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares, merchandise, services, food, confectionery or drink carried by hand from portable stands or tables, by manually propelled vehicles, or by motor vehicle.

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(7) Within 1,500 feet of another validly permitted private property vendor.

(b) The site plan must show that the available parking spaces on the property on which the vending site is located, exceeds the minimum parking requirements pursuant to the City's Zoning Ordinance, in order to accommodate the vending customers as well as the customers of the permanent business located on the property.

(c) Any power sources must be depicted in the site plan and must not originate from a power source of an existing permanent business and must meet all applicable safety code standards.

(d) Vending structures shall not be left unattended or stored at any time on the vending site when vending is not taking place or during restricted hours of operation.

(e) Hours of operation shall be 8 a. m. to 8 p. m.

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a. Applicant's name and current address.

b. Applicant's previous addresses within the last five years.

c. Social security number.

d. Vending location sought, including exact location on such property.

e. Size of the proposed vending station, if applicable, i.e., length, width, and height.

f. Name and current address of each proposed assistant vendor.

g. The exact times during which the vendor intends to vend on the proposed property.

- h. State department of revenue retail identification tax number.
 - i. State i.d.
 - j. City business license.
 - k. A general description of the food, merchandise, or services to be sold or offered for sale at the proposed vending location, including whether recordings will be sold or offered for sale.
- (2) All applicants who intend to vend from private property must present to the department of police a valid lease agreement between the vendor and the property owner showing the conditions under which the property may be used for vending. Such vendors shall be subject to all zoning restrictions and must be approved through the city bureau of buildings prior to the issuance of any vending permit (see section 170-2166(10)). This provision must be followed each and every time a vendor changes location.
- (3) All applicants shall furnish all data, information and records requested of them by the police department licenses and permits unit within 30 days from the date of request. Failure to furnish such information within 30 days shall automatically dismiss, with prejudice, the application.

is hereby amended as follows:

Sec. 30-1483. Annual application.

- (a) An application shall be required by all persons seeking issuance of an initial permit for vending on private property, and such application shall be filed annually. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the department of police license and permits unit.
- (b) A nonrefundable application fee of \$50.00 is required to accompany each application for an initial private property vendor's permit.
- (c) Permit fees for food, merchandise, service or combination permits are due and payable if and when the application is approved by the city.
- (d) The application for an initial private property vendor's permit shall, at a minimum, consist of the following data:
 - (1) Each applicant shall submit detailed data as follows:
 - a. Applicant's name and current address.
 - b. Applicant's previous addresses within the last five years.
 - c. Social security number.
 - d. Vending location sought, including exact location on such property.
 - e. Size of the proposed vending station, if applicable, i.e., length, width, and height.
 - f. Name and current address of each proposed assistant vendor.
 - g. The exact times during which the vendor intends to vend on the proposed property.
 - h. State department of revenue retail identification tax number.
 - i. State i.d.
 - j. City business license.
 - k. A general description of the food, merchandise, or services to be sold or offered for sale at the proposed vending location, including whether recordings will be sold or offered for sale.
 - l. A copy of the site plan.**

(2) All applicants who intend to vend from private property must present to the department of police a valid lease agreement between the vendor and the property owner showing the conditions under which the property may be used for vending. **The lease agreement must be notarized and a 24-hour contact telephone number of the property owner or leaseholder shall be provided along with the permit application and shall be a part of the required site plan.** Such vendors shall be subject to all zoning restrictions and must be approved through the city bureau of buildings prior to the issuance of any vending permit (see section 170-2166(10)). This provision must be followed each and every time a vendor changes location.

(3) **The property owner/leaseholder shall acknowledge in writing that she/he is aware of all applicable zoning regulations as well as all other regulations for the property as they relate to vending and the responsibility of the property owner/leaseholder if violations are found pursuant to zoning regulations related to vending.**

(4) All applicants shall furnish all data, information and records requested of them by the police department licenses and permits unit within 30 days from the date of request. Failure to furnish such information within 30 days shall automatically dismiss, with prejudice, the application.

(e) When a private property vending permit is approved, the Licenses and Permits Unit of the Police Department shall notify the district Council member in whose district, the vending site is located and the chairperson of the NPU in which the vending site is located.

Section 4: Article XXIV, Section 30-1484 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 30-1484. Application procedure.

All private property vendor applications shall be reviewed by the bureau of buildings to determine compliance with applicable zoning regulations as stated in section 16-28.008(10). Subject to favorable determination and written verification by the bureau of buildings and written consent of the property owner, the bureau of treasury, licensing and employee benefits shall issue the business license for the applicant. Upon completion of all prerequisites, the police department license and permits units shall then issue a permit.

is hereby amended as follows:

Sec. 30-1484. Application procedure.

All private property vendor applications shall be reviewed by the bureau of buildings to determine compliance with applicable zoning regulations as stated in section 16-28.008(10). Subject to favorable determination and written verification by the bureau of buildings and **a valid lease agreement between the vendor and the property owner**, the bureau of treasury, licensing and employee benefits shall issue the business license for the applicant. Upon completion of all prerequisites, the police department license and permits units shall then issue a permit.

Section 5: Article XXIV, Section 30-1485 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 30-1485. Term and renewal of permits.

- (a) In order to commence vending on private property, all vendors must have an initial permit issued and must meet all the qualifications set forth herein before reapplying for a permit. The length of time that a vendor on private property may remain on such property, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), shall be one year. A vendor permit for a private property vending location will be issued for a 45-day period and will expire on the 45th day. When the 45-day permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another 45-day period. After a vendor has been issued renewal permits to vend on the same parcel of land for one year, the vendor, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), may no longer vend at such location and may not renew vending permits for such location. Each year, on the anniversary date of the issuance of the initial vending permit, vendors who desire to continue vending on private property must submit a new initial application form and the appropriate initial permit fee.
- (b) No applicant shall be issued more than one permit; provided that an applicant for a flea market vending permit may be issued a flea market vending permit in addition to any other permit.
- (c) After the initial permit fee for the first 45 days expires, vendors may present to the police department an application for a renewal permit. Upon a review and approval of the renewal application by the appropriate agencies, satisfaction of all other license and permit requirements, and upon payment of the appropriate fee as indicated in section 30-1486, the police department license and permits unit shall furnish the applicant with a renewal permit.
- (d) Each applicant for a renewal application shall submit an application which shall at a minimum consist of the following data:
- (1) Applicant's name and current address.
 - (2) Applicant's previous addresses within the last five years.
 - (3) Social security number.
 - (4) Vending location sought, including exact location on such property.
 - (5) Size of the proposed vending station, if applicable, i.e., length, width, and height.
 - (6) Names and current addresses of proposed assistant vendors.
 - (7) The exact times during which the vendor intends to vend on the proposed property.
 - (8) City business license.
 - (9) A general description of the food, merchandise, services, or combination thereof to be sold or offered for sale at the proposed vending location, including whether the permit authorizes the sale or offering for sale of recordings.

is hereby amended as follows:

Sec 30-1485. Length of time allowed at a site.

- (a) The length of time that a vendor on private property may remain on such property, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), shall be **14 days. Permit locations shall not be transferable and no more than two permits per calendar year shall be issued for one address.**
- (b) No applicant shall be issued more than one permit; provided that an applicant for a flea market vending permit may be issued a flea market vending permit in addition to any other permit.

Section 6: Article XXIV of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding a new Section :30-1488 which shall provide as follows:

Sec. 30-1488. Aesthetic standards.

- (a) **Vending is permitted from tables only. Tables are restricted to one (1) portable folding table only, not to exceed 4x8 feet in size.**
- (b) **Canopy: If used, must be a portable folding canopy only. One (1) canopy shall be permitted (not required), shall be white in color, shall not contain any writing and shall not exceed 10x10 feet in size .**
- (c) **Canopy structures supported or anchored by ropes, containers, or similar devises are prohibited.**
- (d) **Vending structures must be removed from the vending site when the vendor is not doing business and during restricted hours of operation.**
- (e) **Vending structures must be in good repair at all times.**
- (f) **Merchandise shall be displayed on the table only and shall not be higher than one level at any point, or displayed above or below table level at any time.**
- (g) **Storage of merchandise in boxes or containers around the vending structure is prohibited.**
- (h) **If signage is allowed, no more than one (1) sign which shall not exceed 2x 3 feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used.**
- (i) **A description of the structure and the hours of operation shall be included in the site plan.**

Section 7: All ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

AN ORDINANCE


BY COUNCILMAN JIM MADDOX

AN ORDINANCE TO AMEND ARTICLE XXIV, SECTIONS 30-1461 ET SEQ. OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA ENTITLED "VENDING ON PRIVATE PROPERTY" SO AS TO ADOPT THE RECOMMENDATIONS OF THE PRIVATE PROPERTY VENDING POLICY AND ADVISORY COMMITTEE SAID RECOMMENDATIONS BEING HERETO ATTACHED AS EXHIBIT "A"; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Whereas, the City has the responsibility to regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the City and to provide for the enforcement of such standards; and

Whereas, the City has the power to make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the City and the inhabitants thereof and for preserving the health, peace, order, and good government of the City; and

Whereas, pursuant to its police powers, the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including vending on private property; and

Whereas, there is a proliferation of private property vendors some of whose vending sites and structures are unsightly and unsafe; and

Whereas, this proliferation of private property vendors has also led to traffic congestion and the creation of dangerous traffic conditions; and

Whereas, the City ordinances regarding vending on private property should be reviewed, revised and updated in order to eliminate the problems associated with vending on private property; and

Whereas, the Private Property Vending Policy and Advisory Committee was created to perform such a review and to make recommendations to the City Council and the Mayor; and

Whereas, the Committee has completed its work and has submitted its recommendations; and

Whereas, said recommended changes must now be incorporated into the City's private property vending ordinance.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
as follows:

Section 1: Article XXIV, Sections 30-1461 et seq. of the Code of Ordinances of the City of Atlanta, Georgia entitled "Vending on Private Property" is hereby amended so as to adopt and incorporate therein, the recommendations of the Private Property Vending Policy and Advisory Committee said recommendations being hereto attached as Exhibit "A".

Section 2: All ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

Introduction

Background Rational for Private Property Vending:

The vending ordinance was passed in the 1970's to give small business persons a *temporary* opportunity to transition into a permanent business.

Changing Times and Economic Growth and Development:

The Atlanta area has undergone massive changes since passage of the private property vending ordinance. Population growth, a more urban atmosphere, and other factors that either contribute to the desirability of a neighborhood or detract from its appeal to a broad-based residential and commercial market.

Changes in community standards are reflected in the reduction of opportunities to vend within some of the newer zoning designations that restrict approval of outdoor private property vending only through special administrative permits.

The *collective, cumulative* impact from some outdoor private property vending as it has been allowed to exist in some instances:

- contributes to physical disorder and decline within distressed communities
- adds to the challenge of attracting/retaining quality economic growth and development opportunities for the surrounding community

All of which impacts available tax revenue for the entire City for necessary services such as schools, roads, sanitation, parks, and public safety.

A balance of interests must exist in all communities.

While the scope of work for the Private Property Vending Task Force was limited, we felt compelled to provide additional recommendations beyond our scope, and have included those comments at the end of the report.

Addendums included in the recommendations contain the following information:

- Addendum A: Additional Recommendations Beyond Scope of Task Force
- Addendum B: Example of Recommended Vending Apparatus
- Addendum C: Jurisdictions Used as References for Vending Standards
- Addendum D: Photographs of Current Practices

Exhibit "A"

Recommendations

Section 1: Policy Statement

The intent of outdoor private property vending is to serve a short-term need and not to be a permanent or quasi-permanent feature of a private property.

Section 2: Categories

Because of the varying types of outdoor private property vending, the recommendation is to distinguish the vending activities by category. This allows for the flexibility to tailor standards without casting a broad net which may have unintentional consequences on all outdoor private property vending activity.

The Task Force focused on changes on the single category of vending which holds the most concern in impacted neighborhoods, and makes no recommendations for other categories. However, we suggest a review of time length of permits (particularly the three 45-day permit renewals per year) cite requirements (particularly park availability in the Seasonal Extended category), and aesthetic standards in other categories as necessary.

Sample Category Permit Titles

Outdoor Private Property Vending:	Seasonal Short-term (Exclusive to X-mas trees, Halloween pumpkins, etc.)	Seasonal Extended (Perishable produce only - Sales usually last approx. 6 months)	Sporting & Concert Venues (any items sold at single sporting events, entire sports season, single concert events at major venues, i.e., Ga. Dome & Turner Field)
<u>Focus Category</u> Outdoor Private Property Vending:	Short-term Merchandise (non perishable items only- not to be combined with any other category) Permit : 14-day maximum permit		

* Permit categories may not be combined.

Section 3: Recommended Changes to Requirements and Restrictions

Site Requirements

- Parking requirements:
Site plan must show available parking spaces of existing site exceeds the minimum parking requirements in order to accommodate vending customers as well as customers of the existing (permanent) business.

Vending Restrictions and Prohibitions

Note: Combine existing zoning (16-28.008) and police requirements (Section 30-1464) regarding where vending can occur on a site into the zoning ordinances (**Intent:** Increase efficiency of the enforcement process. This is in no way intended to interfere with police power to enforce conditions set forth in the Permit.)

- Any power sources must be depicted in the site plan and must not originate from power source of an existing permanent business, and must meet applicable safety code standards.
- Vending structures shall not be left unattended or stored at any time on the vending site when vending is not taking place or during restricted hours of operation.
- Hours of operation shall be from 8 a.m. to 8 p.m.
- Amplified sound or sound equipment is prohibited.
- Flashing lights are prohibited.

Application Requirements :

Evidence of Permission to Vend on Private Property

- Amend existing " permission from property owner\leaseholder" language to include: Agreement must be notarized and a 24-hour contact number of the property owner or leaseholder shall be provided along with the permit application and to be part of the required cite plan.

Evidence of Acknowledgement of Zoning Regulations

- Standard required language in written permission to vend agreement (or a separate acknowledgment form) acknowledging that property owner\leaseholder is aware of zoning requirements for the property as they relate to vending and responsibility in violations found under zoning regulations related to vending (location of vending on the site, storage of vending structures on site, parking requirement, etc.).

Distance Requirements

- 1,500 foot minimum distance from like permanent businesses selling same or similar products. 1,500 foot minimum distance between vendors. (If violation occurs, the most recent permit issued within the restricted distance area will be invalid.) *Intent:* Reduce "clustering" of vendors in a particular area)

Site Plan

- Site plan to be included in application.

Required Aesthetic Standards for Display of Merchandise and Vending Structures:

- Vending is permitted from tables only. Table restricted to one (1) portable folding table only, not to exceed 4X8 in size.
- Canopy: If used, must be unenclosed portable folding canopy only. One (1) canopy permitted (not required), shall be white in color, shall not contain any writing and not to exceed 10x10 is size .
- Canopy structures supported or anchored by ropes, containers, or similar devices is prohibited.
- Vending structures must be removed from vending site when vendor is not doing business and during restricted hours of operation.
- Vending structure must be in good repair at all times.
- Merchandise shall be displayed on table only and shall not be higher than one level at any point or displayed above or below table level at any time.
- Storage of merchandise in boxes or containers around vending structure prohibited.
- *If signage is allowed*, no more than one (1) sign not to exceed 2'x 3' in size and displayed only on or attached to the vending table. Must be included in site plan if signage to be used.
- Description of structures and hours of operation to be used to be a part of site plan.

Length of time allowed at a site:

- Maximum 14 days
- Permit location is not transferable. No more than 2 permits per calendar year shall be issued for one address. (*Shortest periods of jurisdictions investigated range from 7 to 9 days. 14 days will allow for 2 weekends*)
- **No vending permit shall be issued that allows same vender to vend at same location more than 14 consecutive days.** "Same location\ one location" shall mean a property or group of contiguous or noncontiguous properties, whether or not under common ownership, which are under a common street address, both as to house or building number and street name. (Intent: Reduce appearance of "permanent" vending at any location, and end the practice of roll-over of permits. The one year limitation has been back- doored when a vendor who has exceeded the time limitation at a location has a family member, etc., file for a new license and continues vending at same location under the new license.)

Note: *Review permit fee schedule to adjust from 45-day fee to 14- day fee.*

Enforcement: Penalties found to be sufficient if enforcement occurs. However enforcement problems exist due to:

- Insufficient APD Permits enforcement and Zoning enforcement staff have resulted in inconsistent attention to enforcement of laws pertaining to outdoor private property vending

Notification:

- *Zoning Permits to notify district councilperson and effected NPU upon receipt of vending application. Copy of required cite plan shall be available upon request.*

Cite Plan:

- In addition to recommended additions to site, a picture depicting correct standards will be included with application and will be included in the site plan to be on display at all times.

Miscellaneous Recommendation:

Review the interpretation recently given to APD Permits regarding the definition of the phrase "one year" in the existing vending law. Vending currently restricts the same vendor to only one year at any single location. However, a recent legal interpretation stated that "one year" is 365 continuous days and not a calendar year. As a result of this interpretation, in several documented instances the same outdoor private property vendors have been at the same locations for several years because Permits is unable to establish that their time at the same location has exceeded 365 continuous days. This may go against the intent behind the time limitation passed by Council two years ago. A review of this situation is important because any new laws and standards will not be retroactive.

Addendum A.

Long and Short Term Recommendations to Address Private Property Vending in the City of Atlanta

Incorporated within our recommendations are additional comments to be considered to *stimulate meaningful dialog and encourage movement* towards taking serious, effective steps towards truly helping vendors become permanent business owners.

Short term possibilities:

- Divert taxes collected from outdoor private vendors and place them into a fund whereby vendors can apply for micro loans and/or receive grants to transfer their operation into a fixed location, i.e. a storefront, or improve their existing operation by upgrading their equipment.
- Enter into an agreement with known hardware merchants (Home Depot, Loews, Ace) whereby those private vendors who are in compliance with the laws (appearance, payment of taxes, valid license, etc.) receive a discount, as agreed upon by all parties involved, on goods needed to maintain operation (canopy, tables, etc.).
- Provide classes and/or seminars to educate private property vendors on improving their business, raising capital, marketing, or any other skill possibly lacking which is impeding their ability to move beyond private property vending.

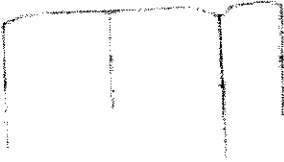
Long term possibilities :

- Create open air markets designated for outdoor private property vendors. Markets should reflect the culture, aesthetics, and needs of the community and vendors.
- Provide incentives for transferring operations to designated sites.
- Provide notice to the public to build clientele and show support for emerging small businesses.
- Create a program by which private property vendors, who desire to establish their business in economically emerging communities, can become eligible for federal, state, or local funding so they may continue to serve said community and make the formal transition into a fixed location. The office of economic development could partner with the Small Business Administration (SBA) to facilitate this potential program.

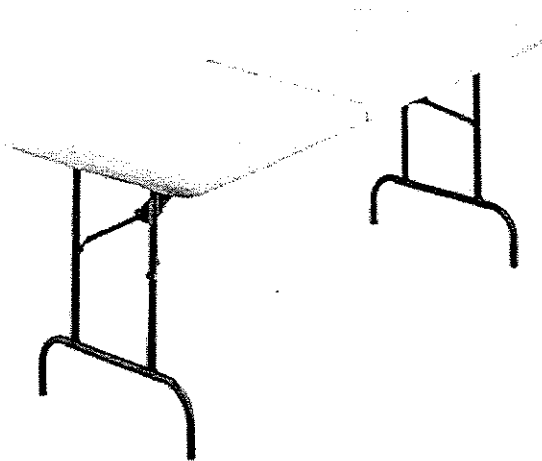
Addendum B

A picture and size specifications of the required vending equipment is to be part of the site plan.

Canopy size: 10x10 maximum - Color: White
(no writing)



Examples Only



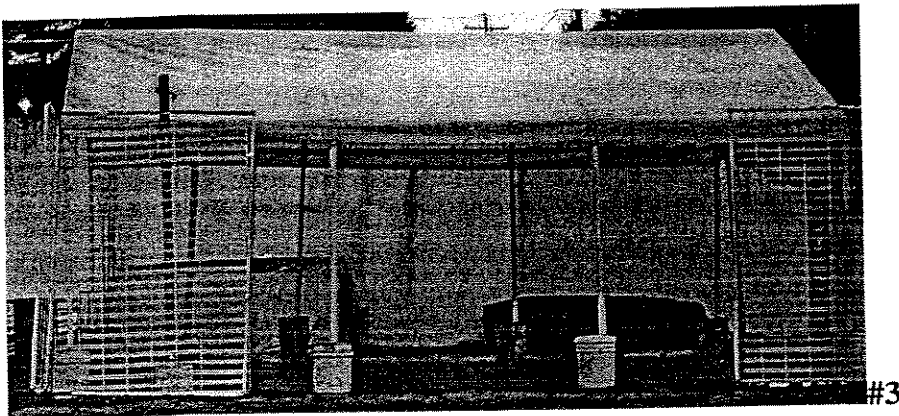
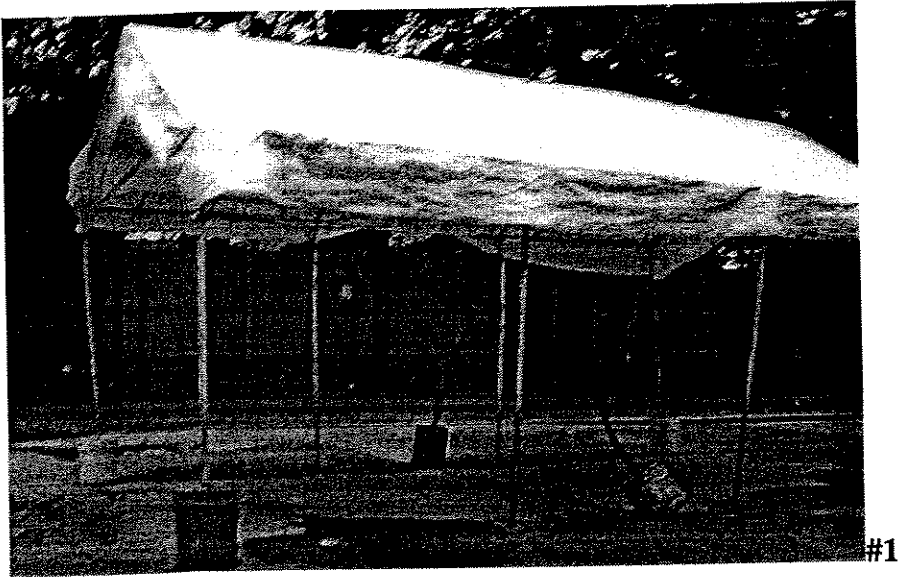
Size: Not to exceed 4x 8

Addendum C

Reference sources:
Cleveland, Pittsburgh, Miami, Fulton County, New Orleans

Addendum D

Vending Activity Throughout 2003-2004 on Campbellton Rd. From Ft. McPherson to Fairburn Rd.





#4



#5 (directly across from #4)





Greenbriar & Headland

